

of each said spring assembly exert[s] a tensioning force on a portion of said rocker block which is greater than the tensioning force exerted by said front coil springs, to thereby cause said rocker block, and thus said seating section, to be urged into a slightly reclined position relative to said base member prior to [said] an occupant occupying said seating section;

a³ cm⁴ a swivel plate assembly having an upper plate member and a lower plate member, said upper plate member being adapted to be fixedly secured to said swivel support member of said base assembly; and

a swivel base member being secured to said lower plate member of said swivel plate assembly for disposing said base assembly for rotational movement relative to a floor supporting said swivel base member.

REMARKS

This amendment is responsive to the Office Action dated September 30, 1994. In that Office Action the Examiner objected to Figures 2 and 3 of the drawings as not indicating with reference numerals certain components shown in the drawings which were denoted by reference numerals in the specification. In response, a Request For Approval Of Proposed Drawing Changes is being submitted concurrently herewith wherein Figures 2, 3 and 5 have been amended to include the inadvertently omitted reference numerals and to add a limited number of new reference numerals. Very minor amendments were also made in the

specification to even more clearly call out the apertures 45a, 45b and 45c in the side members 42, into which fastening elements 43a extend to secure the lower bracket members 40 thereto. No new matter has been added by these amendments.

Claim 7 was rejected under 35 USC § 112 for a lack of antecedent basis for the phrase "said occupant" used in the last line thereof. Claim 7 has been amended to refer to "an" occupant. The same correction has been made in line 25 of the Claim 8.

Claims 1, 3-5 and 7-8 were rejected under 35 USC § 103 as being unpatentable over Fletcher (U.S. Pat. No. 3,141,700) in view of Caldemeyer (U.S. Pat. No. 3,368,843) and LaPointe (U.S. Pat. No. 5,171,000). For the following reasons the rejection of Claims 1, 3-5 and 7-8 is respectfully traversed.

Each of the independent Claims 1, 5 and 8 has been amended to more positively recite that each of the spring assemblies includes a front spring and a rear spring. Further amendments have been made to more positively recite that each said rear spring of said pair of spring assemblies exerts a greater tensioning force than each of said front springs of said pair of spring assemblies, to thereby bias the seating section into a slightly reclined orientation prior to the seating section being occupied by a seat occupant. This is not shown or suggested by any of the references cited by the Examiner.

Fletcher does not appear to disclose any form of "pre-tensioning" now recited in the independent claims. To the contrary, in column 3 of this patent, lines 45-50, it is specifically stated that the springs 58 and 60 are used to provide a force against which the chair frame may be rocked, and to bring the chair frame to a level position of equilibrium.

This is contrary to the chair of the present invention in which the chair is biased into a slightly reclined position by the novel pre-tensioning of the front and rear coil springs. The chair of Fletcher could not possibly incorporate any type of "pre-tensioning" such as that recited in the independent claims of the present application, since the chair in Fletcher is designed to maintain a level position of equilibrium prior to being occupied.

In column 4, lines 55-58 of Fletcher, it is further stated that the center of gravity of the body-supporting unit 16 establishes a stable position of the rocker member 46 on the base member 50 with the springs 58,60 substantially unstressed. This, in fact, teaches away from the present invention which involves pre-tensioning the rocker springs during assembly such that the rear spring on each spring assembly exerts a tensioning force which is greater than the front spring of each spring assembly to thereby urge the seating section of the chair into a slightly reclined position even when there is no occupant seated in the chair. Neither the Caldemeyer or the LaPointe references appear to teach or suggest this feature either.

In view of the above, it is believed that the pre-tensioning arrangement of the front and rear coil springs is not shown or suggested by any of the references. Accordingly, reconsideration and withdrawal of the rejections of each of the claims based on these references is respectfully requested.

With regard to the rejections of Claims 2, 6 and 9 under 35 USC § 103, it will be noted that each of these claims are dependent claims. In view of the amendments made to Claims 1, 5 and 8, and further in view of the remarks presented herein, it is believed that no further amendments to these claims are necessary to patentably distinguish over the cited references.

In view of the above, it is believed that all of the pending claims are now clearly in form for allowance and that such action is respectfully requested at the earliest possible time. If the Examiner should have any further questions regarding this matter, he is requested to contact the undersigned at his earliest convenience at (810) 641-1600.

Respectfully submitted,

HARNESS, DICKEY & PIERCE, P.L.C.
Attorneys for Applicant

By:


Mark D. Eichuk
Reg. No. 33,686

P.O. Box 828
Bloomfield Hills, MI 48303
(810) 641-1600
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